

CRP Note 105
Farmable Wetland Pilot (FWP) Program Eligibility
May 29, 2001

The following is technical guidance for the implementation of practices CP-27 and CP 28 for the FWP in Minnesota. The FWP will be carried out following the Continuous CRP policy provisions in the 2-CRP manual and CRP notices 384, 385 and 386. There are no plans to release additional program information by the national office. Information in this CRP Note clarifies CRP Notice 386 based on information received from a joint FSA/NRCS national teleconference. Additional information includes:

- FWP contracts are eligible for deferred enrollment, the same as other continuous sign-up contracts
- Incidental grazing is allowed on FWP acreage
- Use of native grasses is acceptable for CP-28
- Both practices CP27 and CP28 must be offered for each wetland on the contract. Both practices must be offered for the same contract length.
- After the CRP contract expires, the restored wetland area will revert to the original determination which made the land eligible for FWP.

The Minnesota FSA state office will amend the state CRP docket to include practices CP-27 and CP-28. Natural regeneration is allowable to re-vegetate both practices when feasible. Cost share provisions will allow payment for pipe, non-perforated tile, and other mechanical devices for wetland restoration.

The NRCS state office will develop a combined practice CP27 & CP28 abbreviated conservation plan, which field staff can use for conservation planning with the FWP. This plan will be posted to the MN NRCS home page.

FWP Agency Roles and Responsibilities

FSA Determinations:

- Producer eligibility
- Crop history requirements. Eligible cropland must be planted in at least 3 of the last 10 years, 1991 to 2000
- Physically capable of being cropped in a normal manner in a normal year
- Enrolled land can not exceed more than 100,000 acres in MN
- Enrolled land, both wetland and buffer areas, are limited to 40 acres per tract
- That the maximum size of the wetland area enrolled is 5 acres or less and the buffer area does not exceed the program maximum requirements
- **FSA determines all Official measurement** of all enrolled wetlands and buffer areas, based on information provided by NRCS

NRCS Determinations:

- The location and boundary of eligible wetlands (W), farmed wetlands (FW), and prior converted cropland (PC). To do this, NRCS will use:

1) existing wetland determinations, or

2) where they exist, delineations of certified wetlands, or

3) where wetland determinations do not exist, wetland inventories and other available tools to determine the location and boundary of wetlands to be enrolled. This information will be provided to FSA for official measurement.

- All determinations will include an in-the-field verification of the wetland.
- At the discretion of the District Conservationist, new certified wetland determinations can be made for program eligibility purposes if the producer signs a CPA-038, but this is not required for participation in the FWP.
- Location and boundary of the buffer area needed to protect the wetland. This information is provided to FSA for them to do the official measurement.
- Location of the 100 year floodplain associated with a perennial stream
- Extent of wetland hydrology to be restored and re-vegetation requirements of the buffer area.

CP 27 FWP WETLAND

1. To be eligible, each entire, individual wetland must be 5 acres or less in size. No partial restorations are acceptable to stay under the five-acre limit.
2. If a wetland occurs on a property line, regardless of size, it is ineligible. The entire wetland must be on a single landowner or the wetland is ineligible.
3. Any wetlands or buffers enrolled in the FWP cannot be in the 100-year floodplain of a perennial stream. Tools that can be used to determine the 100 year floodplain include:
 - USGS maps for identification of perennial streams and rivers
 - FEMA or HUD maps that delineate the 100 year floodplain of major rivers and their tributaries. These should be available in all field offices.
 - Soil Survey information – wetlands occurring on soil map units identified as being "frequently, occasionally and rarely flooded" are ineligible.
4. Hydrology and vegetation must be restored to the maximum extent practical. The practice standard to be used for restoration is 657 – Wetland Restoration. Cessation of cropping a "w" can be considered as restoration if no other hydrologic manipulation has occurred. If the site is FW or PC, all on-site tile lateral lines will be broken or plugged. If the site has drain tile serving adjacent upstream neighbors not enrolled in the FWP, restoration activity will not impede upstream drainage. Multiple landowner main tile lines that carry upstream water that are 8 inches or less in size will be replaced with non-perforated tile. When these main tile lines exceed 8 inches, the practice designer has the option of leaving these lines alone.
5. Once the wetland area has been measured by FSA and the contract has been approved, the measured CP27 acreage will be considered the wetland acreage after restoration.
6. When enrolling "FW" areas, it is important to document the baseline hydrologic conditions **prior** to restoration. After the CRP contract expires the land will revert to the original "FW" wetland determination. The landowner can manipulate the hydrology only back to the baseline condition.

CP 28 FWP BUFFER

1. The buffer area must be contiguous to the wetland and be a minimum of 30 feet wide, and a maximum of the larger of the following:
 - 3 times the size of the wetland, or
 - an average of 150 feet wide
1. Buffers may be squared up to the extent possible within these guidelines
2. Buffers will be seeded using NRCS standard 645 – Wildlife Upland Habitat Management
3. Buffer areas cannot contain restored wetlands.
4. Buffer areas must be restored to either a grassland ecosystem, with grass and shrub vegetation, or a woodland ecosystem with tree cover. NRCS will use soil survey and / or " Trygg" Native Vegetation maps to identify acceptable buffer vegetation.